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May 15, 2020

FILED BY ECF

The Honorable Vernon S. Broderick
Thurgood Marshall
United States Courthouse
40 Foley Square
New York, NY 10007

Re: United States v. Confesor, 20-CR-00059-VSB

Dear Judge Broderick:

I am appointed counsel under the Criminal Justice Act for Mr. Minaya-Rodriguez in the case referenced above and respectfully submit this letter on his behalf to request a modification of his home detention bail condition such that he may be permitted to leave his home based on a curfew determined by the Pretrial Services Agency. On February 20, 2020, the order entered by Magistrate Judge Moses setting the conditions of bail provided for the following:

- a personal recognizance bond in the amount of \$100,000;
- the bond to be co-signed by three financially responsible persons (which was modified to two co-signers on March 17, 2020) acceptable to the United States Attorney's Office for the Southern District of New York ("USAO");
- surrender of passport and any travel documents which defendant now holds;
- travel restrictions to the Southern and Eastern Districts of New York, the District of Maryland and points in between solely for purposes of transit;
- pretrial supervision in the District of Maryland as directed by Pretrial Services Agency;
- no contact with any of Mr. Minaya-Rodriguez's co-defendants, direct or indirect, except in the presence of counsel; and

APPLICATION DENIED
SO ORDERED *Vern Broderick*
VERNON S. BRODERICK
U.S.D.J. 5/28/2020

However, Defendant's bail is modified to reduce the number of days' notice Defendant must provide to leave his home to apply for work to two days for Pretrial to review and approve Defendant's request. It will remain up to the discretion of Defendant's supervising Pretrial Services officer whether Defendant is allowed to leave his home to run errands.

- home detention enforced by GPS monitoring with the further condition that defendant seek and maintain verifiable and lawful employment at a stationary workplace.

After meeting these requirements, Mr. Minaya-Rodriguez was released on March 24 and has been confined to the residence that he shares with his girlfriend, Belkis Castillo. Mr. Minaya-Rodriguez has complied with his bail conditions. Since the date of his release, Minaya-Rodriguez has been actively seeking employment. He has applied to restaurants and businesses near his residence, including at Chipotle, supermarkets, and a bakery he worked at previously. Due to the current COVID-19 crisis, Mr. Minaya-Rodriguez has not been successful in applying for such jobs online. He has informed counsel that he needs to leave his home to apply for employment at restaurants and other businesses in person.

Mr. Minaya-Rodriguez's girlfriend, Ms. Castillo, works part-time and is also in the process of applying for additional employment. The requested modification of bail allowing him to leave his residence would increase his likelihood of obtaining employment and also allow him to further assist Ms. Castillo with the maintenance and upkeep of the residence by being able to run errands and complete other tasks outside of the residence when Ms. Castillo is at work.

We have contacted Supervising Officer Jonathan Lettieri regarding this motion for modification of bail and I am informed that Pretrial Services's position is that the circumstances do not warrant a modification of the conditions of release, as Mr. Minaya-Rodriguez is allowed to leave his home to apply for work as long as he provides his supervising officer three days to review and approve his leave request and that it is up to the discretion of his supervising officer whether he is allowed to leave his home to run errands. We have also conferred with AUSA Juliana Murray and she has informed me that the government will defer to Pretrial Services and, therefore, will also oppose this modification request.

Mr. Minaya-Rodriguez has told us that while he appreciates the consideration that he has been given to date by his supervising officer, his requests to run errands, including to dispose of the garbage just outside the residence, have at times be denied. He believes that the flexibility of going out of the house without three days' notice to find a job especially in this difficult COVID-19 environment will greatly enhance his ability to find a job and do his part in supporting the household. We would be amenable to a curfew as deemed reasonable by Pretrial Services Agency. Thank you for the Court's attention and consideration of this request.

Respectfully submitted

/s/ Victor L. Hou

Victor L. Hou

cc: Juliana Murray, Esq., AUSA
Jonathan Lettieri, Supervising Officer, PTS